



Paper No. 8

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OFFICE OF PETITIONS

In re Application of
Harold Kleanthous, et al
Application No. 09/881,752
Filed: June 15, 2001
Attorney Docket No. 06132/041002

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DECISION GRANTING PETITION
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This is a decision on the petition under 37 CFR 1.10(c), filed March 28, 2002, requesting that the above-identified application be accorded a filing date of June 15, 2001, instead of the presently accorded date of June 18, 2001.

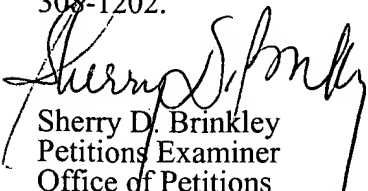
Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on June 15, 2001. In support, petitioners provide a copy of the Express Mail label, receipt no. EL509219208US. The same Express Mail receipt number was referred to in Certificate of Mailing by Express Mail dated June 15, 2001 found on the the original transmittal letter submitted on filing. It is noted that while the "date in" on the copy of the Express Mail label is indicated as "6/18/01", it includes a "FORT POINT STA BOSTON MA 02205 USPS" receipt stamp dated June 15, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 15, 2001.

The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to **June 15, 2001**.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects